

***DRAFT 12/2/13 – SUBJECT TO CHANGE
For Review and Adoption by the DSC at the December 19, 2013 Meeting***

**November 21, 2013
DELTA STEWARDSHIP COUNCIL and
INDEPENDENT SCIENCE BOARD
Park Tower Plaza
980 9th Street, Sacramento, CA 95814
Additional Teleconference Location:
Gump Research Station
PaoPao, Mo'orea, French Polynesia**

**November 22, 2013
DELTA STEWARDSHIP COUNCIL
Park Tower Plaza
980 9th Street, Sacramento, CA 95814**

MEETING SUMMARY

Thursday, November 21, 2013, 9:00 a.m. – 4:30 p.m. – Joint Meeting of the Delta Stewardship Council and the Delta Independent Science Board

1. Welcome and Introductions

The meeting was called to order at 9:00 a.m., November 21, 2013, by Chair Phil Isenberg. With the absence of a quorum, the Council acted as a Committee.

Chair Isenberg introduced Dr. Tracy Collier, Chair of the Delta Independent Science Board. Eight members of the Delta ISB were present: Brian Atwater, Elizabeth Canuel, Tracy Collier, Joe Fernando, Jay Lund, Judy Meyer, Richard Norgaard and John Weins. Vince Resh participated by phone. Dr. Collier asked the ISB members if there were any changes in status, employment, or conflicts of interest. None of the ISB members made any new disclosures.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Council roll call was taken and a quorum established at 9:14. The following members were present: Patrick Johnston, Frank Damrell, Randy Fiorini, Gloria Gray, Phil Isenberg, Hank Nordhoff and Larry Ruhstaller.

3. Chairs' Reports

Dr. Collier asked ISB members to introduce themselves and briefly describe their studies. Biographies for the Delta ISB members are posted at <http://deltacouncil.ca.gov/science-board/delta-isb-members>

Following the introduction of the ISB members, Chair Isenberg introduced himself and the Council members introduced themselves and briefly described their backgrounds.

Next, Dr. Collier and Chair Isenberg discussed the history of the independent science boards and the Stewardship Council as successors of CALFED.

a. DSC Chair's Report

Chair Isenberg announced the legislature wasn't in session and would return in January. The Governor will give the State of the State address in January and Chair Isenberg expects there to be remarks about water. The Governor's Budget comes out January 10. Chair Isenberg stated he also expects the legislature to deal with the water bond issue in August in order for it to appear on the November ballot.

Chair Isenberg discussed the upcoming year and the Council's transition into 2014. Three items of note included: efforts will begin on the Levee Investment Strategy by the end of 2014; continuing work regarding the litigation; and the Council's role in covered actions and determinations on appeals.

b. Delta ISB Chair's Report

Dr. Collier briefed the Council on the Board's public teleconference on October 28. During the teleconference, the Board discussed its memo to the Council about implementation of the Delta Science Plan. The memo commends the Delta Science Program for preparing the Delta Science Plan and urges prompt action on the Plan's priorities by the Delta Stewardship Council, other state and federal agencies, and nonprofit organizations. The Board approved the memo with edits.

The ISB also approved an update to the Delta ISB Operating Guidelines to clarify the term of office. The operating guidelines now state when a member resigns prior to the end of the five-year term of office, the term of office for the new member who fills the vacancy is five years from the date of the appointment.

Plans for commenting on the 2013 Draft California Water Action Plan were also discussed.

Throughout the presentations of the Chairs' Reports, Dr. Collier and Chair Isenberg heard Council and Board member's comments, answered questions and provided clarification.

4. Delta Stewardship Council Executive Officer's Report (Information Item)

Executive Officer, Chris Knopp welcomed the Independent Science Board members. Next, Mr. Knopp briefly updated the Council and Board on activities that have taken place in the last month. These activities included:

- Continued work on a budget for the Council as it moves from creating a plan to implementing a plan, taking into consideration the new tasks that will be necessary to carry out these activities including the emerging role of the Delta Science Program in the Delta science community.

- Support for the ongoing litigation.
- Accountability and how we can describe to the public how money is being spent, what outcomes are being achieved, performance measures and helping to do this is the creation of an end-of-year report.
- Regarding the Science Program, a very productive dialog has taken place with the Coordinated Adaptive Management Team.
- Progress has been made on the Implementation Committee and it is moving along in a positive way.
- Presentations and speaking engagements Mr. Knopp and staff have done.
- Personnel activities taking place at the Council due to vacancies.

Lastly, Mr. Knopp turned to Chief Counsel Chris Stevens for the Legal Update. Mr. Stevens asked Adam Borchard, the Council's legal intern to brief the Council on California Farm Bureau Federation vs. State Water Resources Control Board, a case regarding the Water Board's annual water rights fees.

Following the Legal Update the Council recessed at 11:00 a.m. and resumed the meeting at 11:08 a.m.

Chair Isenberg announced the release of a USGS groundwater report prepared in cooperation with U.S. Bureau of Reclamation and the San Luis and Delta-Mendota Water Authority, "Land Subsidence along the Delta-Mendota Canal in the Northern Part of the San Joaquin Valley, California, 2003–10". The report is posted at <http://pubs.usgs.gov/sir/2013/5142/>

Throughout the presentation, Mr. Knopp heard Council and Board member's comments, answered questions and provided clarification.

5. Lead Scientist's Report (Information Item)

The Lead Scientist's Report was presented by Dr. Peter Goodwin. Dr. Goodwin reported on several DSP activities:

- The 11th biennial State of the San Francisco Estuary Conference that was held October 29-30, 2013.
- Bay Delta Conservation Plan (BDCP) Effects Analysis Review hosted by the Delta Science Program. This is the third and final phase of this review, which has continued with the same panel. Important dates for the review are: December 13 - Release of draft BDCP for public review; December 18: Effects Analysis Review Panel briefing; and January 27-28 or 28-29 (two days) - Effects Analysis Review Panel Meeting.
- Annual Long-term Operations Biological Opinions (LOBO) Review by the Delta Science Program on November 6-7, 2013. Required by the National Marine Fisheries Service and U.S. Fish and Wildlife Service Reasonable and Prudent Alternatives (RPA), this workshop reviewed operations of the Central Valley Project and State Water Project in water year 2013 to determine whether any measures prescribed in the RPA should be altered in light of information learned from the year's operations or research. The current water year will potentially be very dry, but research needs to continue.

- State Water Resources Control Board outflow workshops that the Delta Science Program is helping develop are currently scheduled in February.

Dr. Goodwin briefed the Council on the final draft of the Delta Science Plan it will be posted after correcting a few non-substantive issues. The next steps are to form the Science Steering Committee, develop the interim version of the Science Action Agenda, plan the data summit, and prioritize the actions listed in the Plan.

At the conclusion of Dr. Goodwin's remarks, Emily Mortazavi presented *By the Numbers*, a summary of current numbers related to Delta water and environmental management. *By the Numbers* was handed out to the Council members and has been posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_5_Attach_2_0.pdf

Throughout the presentation, Dr. Goodwin heard Council and Board members' comments, answered questions and provided clarification.

Following the discussion of Agenda Item 5, Chair Isenberg asked if there were any members of the public who wished to comment. There were none.

6. Review of Draft Bay Delta Conservation Plan (Information Item) (Continued on Friday, November 22, 2013)

Agenda Item 6 was introduced by Dan Ray as another in a series of presentations that are provided in anticipation of the release of the public review draft BDCP and its associated draft EIR/S. As the Board and Council members discussed the review period, there was much concern over the 120-day review period being too short, especially if the documents do not include chapter summaries, with the Council and ISB had formally requested earlier. It was noted that both the ISB and Council had provided comment letters on previous drafts and the Board found substantial problems in earlier drafts, so they will need to check the public draft to see if their questions/comments were addressed. The ISB will need to have comments ready before the 120-day deadline so the Council can consider their comments in its review. The ISB members expressed concern that the analysis will be incomplete because the time available for the review is too short.

After discussion of the deadline for the review period and potentially drafting a letter expressing concern, Council member Fiorini urged his colleagues to do the review in 120-days and ask for an extension only if it becomes necessary.

Throughout the presentation, Mr. Ray heard Council and Board members' comments, answered questions and provided clarification.

The Council requested staff draft a letter to the Natural Resources Agency expressing concern with the review period to be brought to the Council on Friday for consideration.

The video showing this action can be found at:

<http://dsc.videosscc.com/archives/112113/>. Agenda Item6 Index 1. Archive Segment Number 6 of 22 at 58:52.

Following the discussion of Agenda Item 6, Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 6:

Walter Bourez, MBK Engineers, represents a large group of water users that may be potentially affected by BDCP. On behalf of this group, they have been asked to evaluate the CalSIMs Model, the tool used in the effects analysis, and looking at the model, some anomalies were found by them as well as others who have evaluated the model. They believe some of the assumptions may be faulty and there are likely to be revisions to the modeling. Based on those concerns, they have coordinated with DWR to explain some of the differences in the modeling and to coordinate. They asked the Council and the ISB, when making conclusions and recommendations to cite what it is based on in order to link between what might change from updated modeling.

Burt Wilson, Public Water News Service, expressed his concern with the timing for public comment on the review of the BDCP EIR/S and urged the Council to request a longer comment period. He also expressed his concern with executive summaries for the chapters the ISB had requested and stated summaries can be misleading and/or incorrect. Mr. Wilson gave some examples. Mr. Wilson commented on fracking and questioned if people care about water after it leaves the Delta.

Melinda Terry, North Delta Water Agency and California Central Valley Flood Control Association, stated North Delta Water Agency is helping to fund work on modeling and felt the modeling could be trusted. Regarding the summaries, Ms. Terry cautioned the Council on relying on summaries as she felt the details and other critical information can't be put in the summaries and some conclusions are not substantive. She urged the Council to look at the level of evaluation using baselines. Ms. Terry expressed concern that the analysis of other things would not be seen in the summaries and gave an example the impacts BDCP will have on recreation as she felt recreation will be severely impacted. Ms. Terry also stated that the chapters are all linked and for example one can't just read the agriculture chapter without reading the soil chapter, etc. Finally, Ms. Terry requested clarification on the intent of the Delta Reform Act – was it meant to secure a water supply at the expense of the Delta.

Following public comment, the Council recessed for lunch at 1:00 p.m. resuming the Council meeting at 1:31 p.m.

7. Follow-up on Oversight Session: Getting Habitat Restoration Done and Doing it Right (Information Item)

Agenda Item 7 was presented by Jessica Davenport and Lauren Hastings. Ms. Davenport and Dr. Hastings gave a progress report describing some of the work under way to address issues raised at the oversight session, held at the Council's July 25th meeting, including integration of habitat restoration with other Delta Plan goals and the use of performance measures to track progress and guide adaptive management.

Campbell Ingram, of the Delta Conservancy, joined Ms. Davenport and Dr. Hastings to discuss the Delta Restoration Network. The Network is a group of agency and stakeholder representatives interested in promoting and coordinating habitat restoration in the Delta. Members of the Network, with help from the Delta Science Program, have drafted a Delta Restoration Framework that calls for the development of Regional Conservation Strategies to guide restoration in each of the six Delta Plan Priority habitat restoration areas. Regional Conservation Strategies that include preservation of existing uses where feasible can be used to help reduce conflict and improve local community and public benefits associated with land acquisition and habitat restoration in the Delta.

The Council was updated on performance tracking and the Council's project tracking database, Council Project Performance Information System (CPPIS) that is used for reporting performance metrics associated with projects in the Delta. Staff is working to link the projects in CPPIS to the administrative output performance measures in the Delta Plan, including habitat restoration acreage targets. The panel briefed the Council and Board on the California Estuaries Portal that was produced by the California Water Monitoring Council. The Portal resulted from the collaboration of 16 state, federal, local agencies and non-governmental organizations.

Throughout the presentation, the panel heard Council and Board members' comments, answered questions and provided clarification.

Following the discussion of Agenda Item 7, Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 7:

Melinda Terry, California Central Valley Flood Control Association, stated she appreciated the comments and felt they were headed in the right direction. Ms. Terry urged the involvement of the local agencies early on. Ms. Terry commented that BDCP and the Biological Opinions are for water supply and stated when levee projects are done they have to mitigate. Ms. Terry also spoke about the Army Corps of Engineers levee standards and eligibility for federal funding. Ms. Terry expressed concern about conflicting agencies/groups and their conflicting goals.

8. Public Comment

Chair Isenberg asked if there were any members of the public who wished to comment. There were none.

The joint meeting of the DSC and Delta ISB adjourned at 2:55 p.m.

Friday, November 22, 2013, 9:00 a.m. – 3:30 p.m. Meeting of the Delta Stewardship Council

9. Call to Order

The meeting was called to order at 9:00 a.m., November 22, 2013, by Chair Phil Isenberg. The following members were present: Patrick Johnston, Frank Damrell, Randy Fiorini, Phil Isenberg and Larry Ruhstaller. Without objection the Council recessed into Closed Session.

11. Closed Executive Session – Litigation: (Not open to the public) (Government Code §1126 (e)(2)(a), (e)(2)(B)(i)) (Action Item)

Lawsuits: San Luis and Delta Mendota Water Authority/Westlands vs. Delta Stewardship Council

North Coast Rivers Alliance vs. Delta Stewardship Council

City of Stockton vs. Delta Stewardship Council

State Water Contractors/Metropolitan Water District of Southern California vs. Delta Stewardship Council

Friends of the River, et al vs. Delta Stewardship Council

Save the California Delta Alliance vs. Delta Stewardship Council

Central Delta Water Agency, et al vs. Delta Stewardship Council

Closed Executive Session – Personnel Matter: (Not Open to the Public) (Government Code §1126 (a)(1)) (Action Item)

The Closed Session of the Delta Stewardship Council convened at 9:06 a.m., with Chair Phil Isenberg presiding.

12. Reconvene Open Session

The Closed session adjourned at 11:05 a.m. and the Open Session of the Delta Stewardship Council reconvened at 11:07 a.m., with no announcements made.

10. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken and a quorum established at 11:08 a.m. The following members were present: Patrick Johnston, Frank Damrell, Randy Fiorini, Gloria Gray, Phil Isenberg, Hank Nordhoff and Larry Ruhstaller.

13. Adoption of the October 24-25, 2013 Meeting Summary (Action Item)

Chair Isenberg asked if there were any questions, suggestions or comments from the Council or public regarding the October 24-25, 2013 meeting summary. There were none.

Motion: (Offered by Damrell; seconded by Ruhstaller) to approve the October 24-25, 2013, meeting summary.

Vote: (7/0: Johnston, Gray, Damrell, Ruhstaller, Fiorini, Isenberg, Nordhoff) and the motion was adopted.

The video showing this vote can be found at: <http://dsc.videossc.com/archives/112113/> Agenda Item 9-13. Archive Segment Number 13 of 22 at 02:56.

14. Nomination of Independent Science Board Member (Action Item)

Agenda Item 14 was presented by Dr. Peter Goodwin. Dr. Goodwin briefed the Council on the search to fill the vacancy on the ISB that began on June 17, 2013 with a posting on the Delta Stewardship Council website and continued through September 3, 2013. The American Fisheries Society, American Institute of Fishery Research Biologists, National Association of University Fisheries and Wildlife Programs, Coastal & Estuarine Research Federation, and Consortium for Ocean Leadership were also invited to distribute the announcement. In addition, nominations and applications were invited from the Delta Stewardship Council and the broader Delta Science Community.

As a result of this search process, a short list of applicants was developed. This was followed by interviews and reference checks. Based on the outcome of this search process, Dr. Goodwin nominated Dr. Stephen Brandt, Professor, Department of Fisheries and Wildlife, Oregon State University, Corvallis Oregon. Dr. Brandt would replace Dr. Houde effective upon Council appointment.

Following the discussion Dr. Brandt's appointment, Chair Isenberg asked if there were any members of the public who wished to comment. There were none.

Motion: (Offered by Gray; seconded by Nordhoff) to appoint Dr. Brandt to the Delta Independent Science Board.

Vote: (7/0: Johnston, Gray, Damrell, Ruhstaller, Fiorini, Isenberg, Nordhoff) and the motion was adopted.

The video showing this vote can be found at: <http://dsc.videossc.com/archives/112113/> Agenda Item 14. Archive Segment Number 14 of 22 at 08:20.

15. Delta Plan Implementation Overview: Integration and Coordination for the Year Ahead

Chris Knopp opened by giving an overview on current Delta Plan actions and strategies. Council member Fiorini also made brief remarks before turning the discussion over to staff. The panel for this item included Cindy Messer, Dr. Rainer Hoenicke, and Taryn Ravazzini.

a. Delta Planning (Information Item)

Ms. Messer discussed Delta Plan implementation activities and provided an update on the next steps. Some of the activities included prioritization of investments for state levees; emergency response preparedness; covered actions regulatory process; the BDCP review; tracking involvement of habitat restoration in the Delta; a data base that was created to track Delta Plan Performance Measures; water supply reliability

elements that staff is looking at; staff involvement in the Implementation Committee activities; and active outreach with the state and federal agencies regarding Delta Plan implementation. Ms. Messer stated staff is close to setting the stage for Implementation Committee Priorities.

Throughout the discussion of Delta Planning activities, Ms. Messer heard Council members' comments, answered questions and provided clarification.

b. Delta Science Program (Information Item)

Dr. Hoenicke briefed the Council on activities staff has been involved with and stated they are in "implementation mode". Dr. Hoenicke stated he was glad the Delta Science Plan was approved making it in sync with the Implementation Committee. Activities in which achievement is desired from the Delta Science Plan is also in sync with the Delta Plan.

Throughout the discussion of the Delta Science Program activities Dr. Hoenicke heard Council members' comments, answered questions and provided clarification.

c. Delta Plan Interagency Implementation Committee (Action Item)

Ms. Ravazzini briefed the Council on the development of the Delta Plan Interagency Implementation Committee. Ms. Ravazzini discussed the Committee's charge and core composition with the Council. Ms. Ravazzini offered the following recommendations for Council consideration – 1) Identify the Committee charge and 2) Affirm those key agencies with primary responsibility for Delta Plan implementation as the core membership of the Delta Plan Interagency Implementation Committee.

Ms. Ravazzini briefed the Council and discussed the charge for the DPIIC, Council member Nordhoff read his revised language; Council member Gray stated she would like to add public participation to the charge; and Judge Damrell felt the charge should begin by citing the statute.

After a thorough discussion, without Council objection, the Council requested staff draft a new charge and bring it before the Council for consideration at the December meeting.

The video showing this action can be found at:

<http://dsc.videosscc.com/archives/112113/> Agenda Item 15 Index 2. Archive Segment Number 16 of 22 at 00:12.

Throughout the discussions of the Delta Plan Interagency Committee, Ms. Ravazzini heard Council members' comments, answered questions and provided clarification.

Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 15:

Charles Gardiner, Delta Vision Foundation, felt that overemphasis on process is making it challenging to be supportive of the Implementation Committee when the discussion is only on part of the issue. Mr. Gardiner felt there was a need to define criteria for

participation on the Committee and found it disturbing that after seven months of process there was no clear focus of what the actions are and the priorities to implement them or even what the agencies want to implement. Mr. Gardiner offered to work with the DPIIC agencies. Mr. Gardiner also expressed concern about the schedule and stated he was uneasy that it hadn't been determined. Mr. Gardiner urged the Council to "just make it happen, hold the first meeting". Mr. Gardiner also questioned what the process would be if the agencies don't participate or they send the "junior" staff. Mr. Gardiner suggested using a signed MOU.

16. Briefing on the Draft California Water Action Plan (Information Item)

The briefing on the Draft California Water Action Plan was presented by Jessica Pearson. Secretaries from CalEPA, the California Department of Food and Agriculture, and the California Natural Resources Agency released a draft California Water Action Plan in late October. Ms. Pearson stated the Action Plan sets priorities for a range of water supply, water quality, ecosystem, and flood protection activities as well as expressing support for the DSC's Delta Plan and including many of the Delta Plan recommendations. The final Plan will be released in early December and Ms. Pearson will brief the Council on the final Plan at the December meeting.

Throughout the discussions of the Draft California Water Action Plan, Ms. Pearson heard Council members' comments, answered questions and provided clarification.

Chair Isenberg asked if there were any members of the public who wished to comment. There were none.

17. Update and Evaluation of Surface Water Storage (Action Item)

Agenda Item 17 was led by Vice Chair Fiorini who authored an issue paper about water storage. Vice Chair Fiorini requested the Council review the Issue Paper and endorse the six actions to help implement Delta Plan recommendations WR 13 and WR 14 regarding increased water storage. Vice Chair Fiorini was joined by Todd Manley, Northern California Water Association, Mario Santoyo, Friant Water Authority and Robert Shibatani, Shibatani Group. The panel members all gave their perspectives on water storage. Mr. Shibatani began and briefed the Council on high-elevation storage, Mr. Santoyo discussed Friant Dam and the challenges his agency has had related to storage, and Mr. Manley discussed Sites Reservoir.

Mr. Fiorini will use the Issue Paper and recommendations to foster conversations and spark progress toward implementing storage recommendations in the Delta Plan. The six recommendations, explained in detail in the Issue Paper included: 1) Complete the state studies of Temperance Flat and Sites and the federal studies of the enlargement of Shasta Reservoir; 2) With adequate resources dedicated to completing the studies, there is also a need to identify who the beneficiaries will be for each project; 3) Revisit the August 2000 CALFED water storage study based on new information and modern objectives; 4) Conduct a statewide survey of local public water agencies to determine potential locations for new or enlarged water storage projects; 5) Develop funding strategies to assist locals with Water Storage projects; 6) Improvements to Water Storage projects permitting are necessary.

Throughout the discussions of the surface water storage, Vice Chair Fiorini and the panel heard Council members' comments, answered questions and provided clarification.

Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 17:

Charles Gardiner, Delta Vision Foundation, stated the concept of linkages was critical and DWR and the Bureau are not doing analysis of linkage and reiterated that linkage was a critical element for understanding how storage can really contribute. Not only do the regions need to step up but statewide integrated analysis needs to be done in the current frame of water supply and storage. More specific discussion of the performance measures is needed. Storage needs to be done in a way that reduces the stress on the Delta in years that the Delta is stressed. Articulation of a target for inflow in the Delta that would reduce conflicts needs to be figured as well as the anticipated losses of snowpack and what storage that could be done to offset those losses. Progress has been made on funding but Mr. Gardiner felt the public benefit of projects should be articulated.

Motion: (Offered by Nordhoff; seconded by Johnston) to and endorse the six actions, listed above, to help implement Delta Plan recommendations WR 13 and WR 14 regarding increased water storage.

Vote: (5/0: Johnston, Gray, Fiorini, Isenberg, Nordhoff) and the motion was adopted.

*The video showing this vote can be found at: <http://dsc.videoss.com/archives/112113>
Agenda Item 17 Index 1. Archive Segment Number 18 of 22 at 07:54.*

18. Public Comment

Chair Isenberg asked if there were any members of the public who wished to comment.

Charles Gardiner, Delta Vision Foundation commented on the performance measures language used for the Implementation Committee. Mr. Gardiner stated that the levee investment strategy continues to be frustrating as it is taking too long and he stated felt there was no sense of urgency and doesn't feel we can make the target date.

6. Review of Draft Bay Delta Conservation Plan (Information Item) (Continued from Thursday, November 21, 2013)

The letter to John Laird, Secretary of the Natural Resources Agency, from Chair Isenberg and Chair Collier regarding their concern of the schedule for reviewing the BDCP and its draft EIR/EIS, prepared by staff as requested by the Council on Thursday was distributed by Dan Ray.

After much discussion among the Council, the Council decided to put approval of the letter off to the December meeting, see if summaries are included, and if the 120-day comment period would be adequate.

Without objection, the Council agreed to carry over this action to the December meeting.

The video showing this action can be found at:

<http://dsc.videosscc.com/archives/112113/> Agenda Item 17 Index 1. Archive Segment Number 18 of 22 at 07:50.

19. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests from Council members; and (e) confirm next meeting date – December 19, 2013.

The meeting adjourned at 2:26 p.m.